

**TOWN OF GUILDERLAND
PLANNING BOARD**

August 10, 2011

Minutes of meeting held Guilderland Town Hall, Route 20, and Guilderland, NY 12084
at 7:30 P.M.

PRESENT: Stephen Feeney, Chairman
James Cohen
Thomas Robert
Michael Cleary
Theresa Coburn
Paul Caputo

Linda Clark, Counsel
Jan Weston, Planning Administrator

ABSENT:

Chairman Feeney called the meeting to order at 7:30 p.m. He noted the exits for the sake
of the audience in the event they were needed.

WERLING – 768 Route 146

Chairman Feeney announced that this was a concept presentation of a proposed 2-lot
subdivision of 4.4 acres. Zoned RA-3. David Werling presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:

Werling - 768 Route 146

The applicant has submitted an application to subdivide his property into two 2.2 acre
lots, one of which contains his present home. The land is mostly wooded and contains a
small stream and pond. I have the following comments:

- Because the land is zoned RA-3, both potential lots will require area
variances from the required 3 acre minimum lot size. All other minimum
bulk requirements can be met.
- I would have no objection to the variance as the majority of lots
surrounding this parcel have much smaller lot sizes and the land to the
south is owned by the Altamont Fairgrounds.

- Public water is available but a private septic system would be required.
- The NYS Dept. of Transportation should be contacted to obtain a curbcut permit. There does not appear to be any sight distance issues.
- There are apparently wet areas on either side of this property. The GCAC has not yet walked the property but will report on whether wetlands may be an issue here.
- The limits of grading and clearing should be shown if this advances to the final plat stage.

No objection to concept approval contingent on a positive report by the GCAC.

David Werling presenting: We are trying to split the lot down the middle to create another buildable lot and the existing house and garage will remain on the one lot.

Chairman stated: This seems pretty straightforward. My only question is about the stream. What is the stream like there?

Mr. Werling explained that the stream right now is completely dry. It never rushes but runs from one pond upstream, into our pond and then out of our pond away from the Village. The crossing would either have a culvert or a bridge over it.

Chairman stated: The only issue will be the crossing itself and we will have to see the design of that crossing on the plans. I am assuming that the Army Corps of Engineer will want you to get a permit from them. They have certain standards on how the culvert would need to be installed.

Our biggest concern would be when it floods. The emergency vehicles would not be able to get to the houses.

Chairman asked for any comments from the Board and there were none.

Ms. Weston stated: You will have to meet with the Guilderland Conservation Advisory Council and they will walk the land and report on whether wetlands maybe an issue. Also, you will have to go before the Zoning Board for the area variance.

Chairman entertained a motion for a concept approval for a 2 lot subdivision on 768 Route 146, so moved by Paul Caputo, seconded by Thomas Robert and carried by a 6-0 vote by the Board.

ALTAMONT ORCHARDS – 6700 Dunnsville Road

Chairman Feeney announced that this was a site plan review to allow a 3,000 sq. ft. addition in the existing clubhouse. Daniel Abbruzzese presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Dunnsville Road

The applicant has applied to amend their special use permit for the construction of a 3,000 sq. ft. addition to the existing clubhouse/restaurant. I have the following comments:

- The addition will accommodate up to 90 patrons but no additional parking is proposed. The application states that the current parking is enough to handle the additional parking needs, that the majority of the functions will be scheduled at non-peak times for the golf course and that there is adequate lawn area to park, if needed. I agree with this assessment but a proposal for overflow parking should be submitted.
- Water will be from the Village of Altamont and their review and approval will be necessary.
- All Health Department requirements must be met.

No objection to site plan approval.

Daniel Abruzzese presenting: The reason for this request is to increase the size of our clubhouse to expand our dining and kitchen facilities. We would like to accommodate small business meetings, showers, rehearsal dinners and other small golfing functions and the customers do not want to be conflicting with golfers and other parties walking in and out of their private affair. This is the main reason why we are doing this.

Chairman asked if you had a SPEDES permit for the septic system.

Mr. Abruzzese added: Yes we do. Right now we have our engineer working on the septic system. If its has to be revamped then the engineer will let us know that. After we get that, we will have to be in contact with Albany County Health Department to make sure that they agree with the engineer's assessment. I submit a water record of the quality of the water every month and tested twice a year.

Chairman asked about the parking.

Mr. Abruzzese explained that with all the overflow parking, I could park another 300 cars.

Chairman asked for any more comments or questions from the Board and there were none.

Chairman asked for any comments from the audience and there were none.

Chairman made a motion to recommend the site plan review for a restaurant addition for Orchard Creek, 6700 Dunnsville Road, with the following conditions:

- Compliance with NYS Public Health requirements for septic system.
- Village of Altamont review of the increase water supply from the Village.

The motion was seconded by Michael Cleary and carried by a 6-0 vote by the Board.

MAT FARMS – Depot Road

Chairman Feeney announced that this was a request to alter the previously approved phasing plan. Francis Bossolini presenting.

Jan Weston, Town Planner, had no comments, but we did receive an e-mail from TDE saying that he is fine with this.

Chairman Feeney stated: There is communication in the file from Chad Cooke, P.E., Boswell Engineering, dated April 4, 2011, indicating that he has no objections to the proposal and actually thinks that the new proposal makes better sense than the last proposal for potentially a temporary cul-de-sac. (On File)

Francis Bossolini presenting: We have a previously approved plat that has been signed by the Chairman and the appropriate agencies. Conversations with Ms. Weston indicated that she would prefer the conservation easement to be filed with the plat. We executed those conservation easements, referring to what is going to encumber the open space. I have executed those with the landowners and they have been submitted to the town for signatures from the Town. Because of the time frame involved from the plat signature, I would like the Board to consider granting us an extension for filing purposes on that signed plat that has already gone through.

Chairman asked if there was an issue with the notation that had to be fixed.

Mr. Bossolini explained that I have a copy of the previously signed map. When we submitted the maps, they referred to all the open space as being owned by the Homeowners Association, and the reality is that Mr. Matulewicz wants to retain ownership of the parcel that he currently owns. On the map we noted it as HOA space and that is incorrect. Now we have 12 copies of signed maps and we would just like to make a notation on the map that it was owned by Mr. Matulewicz rather than HOA. Then it would be subject to conservation easements which has been executed. One from Mr. Matulewicz for the lands that he owns, and then a separate easement that the Mat Farms Associates and the HOA are granted to the town for the purposes of preservation of the open space.

Chairman wanted to know if you are requesting an extension to file that map that has been signed?

Mr. Bossolini explained that we submitted the executed conservation easements to the town for town signatures. I don't want to run out of time while I am waiting for these to be signed.

Linda Clark, Counsel, stated: I got one conservation easement doctrine that I did review and I had some minor changes. I was not aware that you had already submitted them to the town for approval. You also mentioned another easement. Are there two documents?

Mr. Bossolini explained: Its because the open space will be owned by two entities. Matulewicz will retain ownership of the parcels that he owns, the western half of the property. Then the eastern half will be owned by the Homeowners Association, Mat Farms Associates That document is being created now and don't know if it has been distributed at all. The HOA will own the open space and maintain the ponds. There are two executed conservation easements that have been submitted to the town for acceptance.

Mr. Bossolini mentioned: Ms. Weston's concerns were that the easements to be filed on the map together and that the map references the easements.

Linda Clark, Counsel, mentioned that I am a little uncomfortable with any changes to the map that posted the signatures of the officials who have that responsibility.

Mr. Bossolini stated: That is why we are here. I recognize that there is an opportunity to be declared null void.

Linda Clark, Counsel stated: You are going to be dealing with the phasing changes and if we give you the extension you will need to incorporate that change.

Mr. Bossolini stated: The first phase that we had gotten approval had 70 lots and two existing lots and we want to file that to lock in our approval so that I do not have to keep coming asking for extensions. So the phasing plan that you are considering tonight is for the potential buyer who would like to build it in a certain order. I want to get the original one extended and filed, and then when we secure the contract to the builder, we will file an amendment subsequent map that would have that phasing plan.

Chairman stated: You need the extensions to get all the new signatures and to get the easements done. So the request would be that you are asking for a 30-day extension, is that correct?

Mr. Bossolini said yes. Thirty more days is what we are asking for. The conservation easement will be filed the same day with the map and then with the town.

Chairman was willing to make a motion to approve the 30-day extension to file the originally approved Mat Farms plat, so moved by Terry Coburn, seconded by Michael Cleary and carried by a 6-0 vote by the Board.

Mr. Bossolini stated: What the new owner would like to propose is that the first phase of construction would be is to do the entire long cul-de-sac, Alexander Court, that will include the existing lot # 59, and 60 for part of the project. And then out of those 33 lots, we are asking that the town allow twenty lots to be built. Prior to the twenty-first lot being built, the remainder of the road will be constructed, completing the project. That would allow the builder to be able to sell his first 20 lots on that cul-de-sac and then there will be a stop order by the building department. They would not allow them to build the twenty-first one until that second road was connected through. We did talk with the Town Engineer and this is self sufficient in terms of utilities.

Chairman stated: We will have a map filed that shows the first phases with 6 lots with a temporary cul-de-sac on that one. Now you are filing this just to get it filed and now anticipating a longer cul-de-sac to be built first.

Mr. Bossolini said that is correct. If the contract with this builder is executed.

Chairman added: So now you are coming in for this phrase showing these lots in this cul-de-sac and file that map showing the lots. Are you asking if we are generally ok with this concept and then come back with another phasing plan?

Mr. Bossolini explained that if this Board approves this phasing plan, prior to us being able to sell those lots, we would need a map signed by the Chairman that we can file.

Paul Caputo wanted to know what happens if the buyer backs out and another comes in.

Mr. Bossolini stated: Then it will just run its course and expire.

Mr. Bossolini added: If this town requires that it be built from the filed map, then that is what has to be done. Whatever the town procedure is. We will file the map and then the road will be built according to that.

Mr. Weston stated: You will be able only to get two building permits for model homes before you come in to the Town Board to dedicate the road.

Paul Caputo wanted to know if it would make more sense to come in and do this once your have a contract.

Mr. Bossolini just wanted this Board to approve the phasing plan and then once the contract is executed with the builder, then procedurally we will just move on.

Chairman asked if this will be phase 2.

Linda Clark, Counsel, stated: Basically, you already have phase 1 with the 6 lots. Phase 1 might merged into phase 2.

Chairman added: Phase 2 might be built before phase 1 but phase 2 is not relying on phase one.

Paul Caputo stated: Basically, the way this is going to work is that the original one that goes in will control. You get the buyer, and then you submit the map to the Chairman, and he signs it, then this one supersedes it.

Ms. Weston wanted to make sure that it is very clear on the maps to the Building Department that we are talking about twenty building permits including the two models.

Mr. Bossolini stated: The twenty-first permit will not be able to be issued until the road was connected and this would complete the phase 2 infrastructure.

Ms. Weston added: We just want to make sure that the Building Department understands this .

Chairman stated: Our condition of approval is commencement of construction that the sidewalk is part of the deal.

Chairman asked if you ever got the County Highway's approval.

Mr. Bossolini said that we don't have a permit in hand, but they signed off on the entrances and the construction of it.

Chairman wanted to make sure that there will be access to the school along with the sidewalk as soon as the houses start being built.

Terry Coburn wanted to know what happens to the rest of these lots. Do they become phase 3? When they file this map, does he file the total map?

Paul Caputo said that it will be the total map and they will pick the twenty as they go.

Mr. Bossolini explained that they would have a map filed with 33 lots on it and then build twenty. If they never build the second road, then there will be 13 vacant lots. We will show the lots that we want to create.

Terry Coburn questioned the total subdivision map. Do you show all of the lots?

Mr. Bossolini explained that there will be an approved subdivision map that will be in the town's files. If we are only creating a certain numbers of lots, we would not show those lots that we are not creating.

Ms. Weston added: The filing that you are doing in the next 30 days, what is that going to show?

Mr. Bossolini stated that it would show 7 lots, and the two lots 59 and 60.

Chairman stated: That when the contract goes through they will add the lots on the long cul-de-sac and that will be a separate filing. Each time I would have to sign them.

Chairman made a motion to modify the phasing plan for Mat Farms with the following conditions:

- To allow for construction of Alexander Court up to a maximum of 20 lots prior to the completion of Sheldon Drive.
- To include the initial construction of the sidewalk to Depot Road, to be completed with the dedication of Alexander Court.

The motion was seconded by Thomas Robert and carried by a 6-0 vote by the Board.

MEETING ADJOURNED: 8:20

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